

Message Text

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ACTION LAB-04

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TO SECSTATE WASHDC 1355

INFO AMEMBASSY LONDON

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CITE: LABOR OFFICERS

E.O. 11652: N/A

TAGS: ELAB, XG

SUBJECT: REQUEST FOR INFORMATION ON BLACK LUNG DISEASE
COMPENSATION

REF: STATE 159972

1. COMPENSATION FOR OCCUPATIONAL DDISEASES
IN ALL INDUSTRIAL SECTORS IS PROVIDED BY THE FRG ACCIDENT
INSURANCE ACT AS AMENDED ON APRIL 30, 1963 (UNFALLVER-
SICHERUNGS-NEUREGELUNGSGESETZ - FEDERAL LAW GAZETTE -
BGBl I P. 241; BGBl III 8231-16). THIS REGULATION
APPLIES TO ACCIDENTS, DISABILITIES RESULTING FROM
WORK INJURIES, DEATHS AND RECOGNIZED OCCUPATIONAL
DISEASES INCLUDED IN A LIST OF OCCUPATIONAL DISEASES
WHICH IS REVISED FROM TIME TO TIME.

2. WE HAVE POUCHED A COPY OF THE PERTINENT REGULATIONS
GOVERNING THE COMPENSATION ON INDUSTRIAL ACCIDENTS AND
WORK INJURIES TO G. HOLMES, ILAB, DEPARTMENT OF LABOR.
BENEFITS FOR RECOGNIZED OCCUPATIONAL DISEASES ARE PRO-
VIDED BY THESE LAWS AND REGULATIONS COVERING WORK IN-
JURIES. WE ALSO ENCLOSED A COPY OF AN ARTICLE ON
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ACCIDENT INSURANCE PUBLISHED BY THE FEDERAL LABOR

MINISTRY, WHICH PROVIDES A COMPREHENSIVE SURVEY ON THE STRUCTURE AND OPERATION OF THE GERMAN ACCIDENT INSURANCE SYSTEM.

3. IN THE FRG THE AMOUNT OF COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES IS DETERMINED BY THE APPROPRIATE INDUSTRIAL ACCIDENT INSURANCE AGENCY (BERUFSGENOSSENSCHAFT), WHICH IS A QUASI GOVERNMENTAL AGENCY ESTABLISHED UNDER THE LAW AND FINANCED BY AN EMPLOYER PAYROLL TAX, IN COOPERATION WITH THE GOVERNMENT SAFETY INSPECTION OFFICE (GEWERBEAUFSICHTSAMT). COMPENSATION PAYMENTS ARE BASED ON DETERMINATIONS BY MEDICAL EXPERTS EMPLOYED BY THESE AGENCIES.

4. MINEWORKERS ARE COVERED UNDER THE ABOVE GENERAL LEGISLATIVE PROVISIONS. MINERS' CASES INVOLVING ACCIDENTS, WORK INJURIES AND OCCUPATIONAL DISEASES ARE HANDLED BY THE MINING INDUSTRY ACCIDENT INSURANCE AGENCY (BERGBAU BERUFSGENOSSENSCHAFT) IN BOCHUM.

5. WE HAVE FOUND THAT THE TERM "BLACK LUNG" IS NOT USED IN THE FRG. THE GERMANS LIST "SILICOSIS", MORE COMMONLY KNOWN AS "STAUBLUNGE", AS THE TYPICAL GERMAN COAL MINERS' OCCUPATIONAL DISEASE. LABOR MINISTRY MEDICAL EXPERTS COMMENT THAT SILICOSIS IS THE RESULT OF A CONSTANT EXPOSURE TO DUST AND CASES COMPENSATED MUST SHOW EVIDENCE OF SILICATE PARTICLES, WHICH PRODUCE A TOXIC EFFECT IN THE LUNGS. PURE COAL OR GRAPHITE, ACCORDING TO THESE EXPERTS, CAUSES LUNG PIGMENTATION WHICH IS NOT RECOGNIZED IN THE FRG AS AN OCCUPATIONAL DISEASE AND IS NOT LISTED AS AN INJURY ENTITLING A MINER TO COMPENSATION.
HILLENBRAND

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